

SENATE BILL REPORT

EHB 1050

As of February 17, 2012

Title: An act relating to residential provisions for children of parents with military duties.

Brief Description: Regarding residential provisions for children of parents with military duties.

Sponsors: Representatives McCoy and Appleton.

Brief History: Passed House: 2/22/11, 91-0; 1/16/12, 90-0.

Committee Activity: Human Services & Corrections: 3/08/11, 3/24/11 [DP]; 2/16/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Baxter, Carrell, Harper and McAuliffe.

Staff: Kevin Black (786-7747)

Background: In dissolution of marriage cases in which minor children are involved, the parties must establish a parenting plan that sets forth the child's residential time with each parent. Other court orders, such as an order issued in a paternity case, can also establish residential time between the parents and minor children.

In 2009 the Legislature created procedures for a military parent to modify a parenting plan or custody order when the parent is unable to exercise residential time or visitation with his or her child because the parent's military duties potentially impact parenting functions. Military duties potentially impacting parenting functions is defined to include deployment, activation, mobilization, and temporary duty. The terms activation and mobilization explicitly exclude drill weekends.

When a parent receives military orders that involve moving a substantial distance away, or would have a material effect on the parent's ability to exercise court-ordered residential time or visitation rights, the court may, upon the military parent's request, delegate the military parent's time to a family member or another person. The family member or other person must have a close and substantial relationship to the child, and the delegation must be in the best interest of the child. The delegation may last for as long as the military parent is absent. The

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delegation does not create separate rights to residential time or visitation for the person to whom the military parent's time is delegated.

Summary of Bill: The right of a parent who receives military temporary duty, deployment, activation, or mobilization orders to request a court to delegate residential time or visitation rights under an existing parenting plan for the duration of the military parent's absence is extended to a military parent who is seeking to establish a temporary or permanent parenting plan. Delegation is allowed under a court order other than a parenting plan designating residential time or visitation rights.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Washington's practices relating to parenting plans are considered best practices by the Department of Defense. The provisions in this bill are found nowhere else and will improve the statutes further. Several of my clients have needed to delegate residential time or visitation rights while they are still trying to establish a parenting plan. Other court orders that may be subject to delegation include ex parte court orders or domestic violence protection orders. Sometimes a court will not establish a parenting plan immediately while various assessments are made. These family law issues are important to the quality of life of military personnel.

Persons Testifying: PRO: Mark San Souci, Department of Defense; Lisa Dufour, McKinley Irvin Law Firm.